

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CATHY D. BROOKS-MCCOLLUM, :  
: Plaintiff,  
: v. : Civil Action No. 04-419 JJF  
: STATE FARM INSURANCE COMPANY, :  
: Defendant. :  
:

ORDER

WHEREAS, on February 28, 2007, Defendant filed a Motion To Dismiss (D.I. 74) requesting the Court to dismiss this action as a sanction for Plaintiff's failure to cooperate in submitting a pretrial order in accordance with D. Del. Local Rule 16.4;

WHEREAS, in light of the Third Circuit's preference that a case be resolved on the merits, see Scarborough v. Eubanks, 747 F.2d 871, 878 (3d. Cir. 1984), dismissal of the action at this juncture would be an extraordinary sanction;

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion To Dismiss (D.I. 74) is DENIED without prejudice.

IT IS FURTHER ORDERED that a pretrial conference will be held on Thursday, May 10, 2007, at 12:00 p.m. The parties shall confer and submit a joint proposed pretrial order on or before Wednesday, April 18, 2007. Failure to do so may result in dismissal of the action in accordance with D. Del. L. R. 16.4.

March 21, 2007

  
UNITED STATES DISTRICT JUDGE